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4 Counsel for Defendant  
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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF WASHINGTON  
9

10 UNITED STATES OF AMERICA

Case No. 15 CR 6049-EFS-4

11 Plaintiff,

**MOTION TO CONTINUE TRIAL**

12 vs.

**May 29, 2018 at 9:00 am Richland**

13 ALEXIS JOEL GARCIA PALOMINO

**Oral Argument Requested**

14 Defendant.  
15  
16 \_\_\_\_\_/

17 Trial of the instant matter is currently scheduled to begin on October 10,  
18 2018, in Richland, Washington. The defendant's Counsel hereby moves the Court  
19 to reschedule the Trial and the final Pre-trial conference to commence 1 week later  
20 on October 17<sup>th</sup>, 2014. The continuance is requested to permit the attendance of  
21 trial Counsel, who will be in Japan having attended his son's wedding from  
22 October 3, 2018 through October 11, 2018, and allow him time to fully prepare for  
23 trial. This motion is based on the declaration of the undersigned set forth below.  
24

25 Dated: May 14, 2018

26 Law Office of Jeffrey S. Niesen

27 s/Jeffrey S. Niesen for

28 ALEXIS JOEL GARCIA PALOMINO

Declaration of Jeffrey S. Niesen

I, Jeffrey S. Niesen declare and state as follows:

1. On March 26, 2018, I was appointed as CJA counsel for the defendant Alexis Joel Garcia Palomino.
2. On April 4, 2018, I filed my Notice of Appearance.
3. On March 29, 2018, the Court filed its Case Management Order setting the trial for October 10, 2018. This Order was not served on me by the Court Clerk. I did not learn of the Order until late April 2018, when I reviewed the docket entries of filed documents.
4. Since March 2018, I have had travel tickets and hotel reservations – paid for in advance- for a trip to Tokyo, Japan. The reason for the travel is to attend and participate in my son’s wedding. I am scheduled, with my wife, to be out of the Country from October 3 to October 11, 2018.
5. My travel conflicts with the Court’s scheduled trial date of which I was not aware until I reviewed the Case Management Order (ECF. 740).
6. As a result of this conflict I am asking for a continuance of the final pre-trial and trial for 1 week until October 17, 2018. This is provide time for my return to the United States and time for my final preparations for trial.
7. On May 9<sup>th</sup> ,2018, I discussed the matter with my client. He has not given his consent to this requested continuance and has instead directed me to file a motion for a substitution of counsel.

1 8. On May 7<sup>th</sup>, 2018, I contacted the Court Clerk with my request for a  
2 continuance. I was advised that I was to file the motion noting that the  
3 requested dates could not be cleared without the Court's permission.

4 9. On May 7<sup>th</sup> 2018, I spoke with AUSA Stephanie Van Marter who advised  
5 that the government does not oppose this request.  
6

7 The foregoing is submitted subject to penalty of perjury under the Laws of the  
8 United States.

9 Dated: May 14, 2018

s/Jeffrey S. Niesen

10  
11 Certificate of Service  
12

13 I hereby certify that on May 14, 2018, I electronically filed the foregoing with the  
14 Clerk of the Court using the CM/ECF System which will send notification of such  
15 filing to the following: AUSA Stephanie Van Marter Counsel for the United States  
16 of America.  
17

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